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Report of the Secretary-General on the situation in Liberia, pursuant to the letter dated 29 November 2002 (S/2002/1305) from the President of the Security Council

I. Introduction

1. By a letter dated 29 November 2002 (S/2002/1305) from its President, the Security Council requested that I provide it with a report every three months on (a) the overall situation in Liberia; (b) the preparations, conditions and readiness for free and fair elections; and (c) the human rights situation. The present report is submitted pursuant to that request.

II. Security situation

2. As indicated during the last briefing on this subject to the Council, on 17 January 2003, the main challenge confronting Liberia remains the continuing insurgency mounted by the rebel movement Liberians United for Reconciliation and Democracy (LURD), whose fighters have attacked Government forces and seized territory in various parts of the country. In early February 2003, following their capture of Bopolu, the main city in Gbarpolu county, LURD fighters were said to have come within 20 miles of Monrovia before Government of Liberia troops reportedly drove them back more than 50 miles. The situation nevertheless remains extremely volatile, with the rebels reportedly in firm control of several towns and cities, including Fassama and Kolahun, as well as most of the other cities in Lofa county, including Zorzor and Voinjama, the LURD headquarters.

3. The recent rebel offensive has coincided with worrisome developments on Liberia's borders with Côte d'Ivoire and Sierra Leone. The violent conflict that has racked Côte d'Ivoire since 19 September 2002 has also involved heavy fighting between Government and rebel forces in that country's western region, bordering on Liberia. The Government of Liberia has denied allegations of its involvement in Côte d'Ivoire's crisis, arguing instead that the situation in that country results from unchecked rebel activities throughout the subregion, from which Liberia itself continues to suffer. The Government of Liberia recently moved elements of its armed forces to its eastern border with Côte d'Ivoire to prevent a spillover of the Ivorian fighting, especially following reports of an armed incursion into the Liberian border town of Gbein, which left two Liberian soldiers dead. Authorities claimed that the attack had been carried out by Liberian fighters belonging to the erstwhile

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United Liberation Movement for Democracy in Liberia rebel movement, who had been masquerading as Ivorian Government border troops. The Government of Liberia complained to the Economic Community of West African States (ECOWAS) over the incident and is said to have taken steps with the Ivorian authorities to improve border security. The Liberian Minister of Information indicated that Liberian mercenaries might have participated in the Ivorian conflict but stressed that no Government forces had been involved.

4. Similarly, on the border with Sierra Leone, armed men continued to cross over from Liberia, some of them said to be engaging in extensive looting and harassment in villages inside Sierra Leone. In the past week, since LURD seized control of the parts of Cape Mount county bordering Sierra Leone, an influx of about 6,000 Liberian refugees has been witnessed. During the same period, no fewer than 247 soldiers of the Armed Forces of Liberia have fled into Sierra Leone. According to my Special Representative for Sierra Leone, the situation has begun to arouse great concern for the Government of Sierra Leone in terms of the possible overstretching of the internment camp constructed a few months ago for the trickle of armed elements from Liberia. Moreover, any counter-attack by Liberian Government forces is likely to provoke a greater inflow of refugees into Sierra Leone, and perhaps of LURD fighters, thus increasing the likelihood of armed elements evading the screening procedure, as some have tried to do. However, since the inception of border patrols by joint Sierra Leone and United Nations forces, reports of incursions have declined, although occasionally gunfire is reported to be heard from the Liberian side of the border. On 14 January 2003, the Consulate of Côte d'Ivoire in Monrovia addressed a note verbale to my Representative in Liberia informing him of the alleged presence, in the Ivorian town of Guiglo, of the former Revolutionary United Front commander, Sam Bockarie, who, along with some of his followers, had reportedly participated in the fighting in that region. He was also said to have looted Ivorian villages and sold the goods at the border with Liberia.

III. Political situation

5. Meanwhile, the overall political climate in the country remains tense and volatile despite the lifting of the state of emergency in November 2002. Public demonstrations without prior approval are prohibited, and the National Peace and Reconciliation Conference, which began in August and went on recess in September 2002, appears to have lost the momentum required to move the peace process forward. The fact that the reconciliation process does not involve all stakeholders, including exiled politicians, appears to have cast doubts on its credibility. Nevertheless, as the general and presidential elections of October 2003 approach, some prominent exiled opposition leaders have recently returned to Liberia and resumed their political activities.

6. Given the wide recognition that the continuing armed insurgency hampers peaceful political discourse in Liberia, initiatives to bring the Government and LURD to the negotiating table have gained great significance. To that end, following recent preparatory efforts under the auspices of the ECOWAS Parliament, a meeting was held in Freetown, from 7 to 9 February 2003, between ECOWAS parliamentarians, civil society and members of the Inter-Religious Councils of the Mano River Union countries and representatives of the LURD dissident group, in a bid to find a peaceful resolution of the conflict in Liberia. At the end of the three-

day meeting, ECOWAS parliamentarians and LURD agreed to continue the dialogue they had embarked upon and to maintain contact through the Inter-Religious Councils of the three Mano River Union countries. The ECOWAS Parliament further agreed to actively pursue a peaceful settlement of the crisis in Liberia, while LURD agreed to commit itself to the peaceful resolution of the crisis by the end of this year. LURD also agreed to engage in dialogue with the Government of Liberia at a place and time to be arranged and facilitated by the ECOWAS Parliament, the Inter-Religious Council of Liberia and other international bodies.

7. It is also felt that, given the porosity of borders and accusations by Liberia of external support for the LURD insurgency, subregional cooperation would be vital for peace inside Liberia to take hold. That is why the failure to convene a second Rabat Summit designed to review progress and chart the way forward, following the February 2002 agreement among the leaders of the three Mano River Union neighbours, was seen as a major setback to peace prospects in Liberia.

8. The difficult internal and subregional situation has severely constrained economic revitalization. With limited foreign assistance and investment and with the Government devoting more than 60 per cent of its budget to the military sector, growth has stalled, with unemployment widely reported to have exceeded 80 per cent. The Government continues to blame the rebellion, as well as what it regards as unfair, unjustified and arbitrary Security Council sanctions, for the grim state of the economy and the humanitarian suffering it engenders.

9. Meanwhile, the authorities have taken steps to regulate the mining and marketing of diamonds under the Kimberly Process, with a view to generating revenue. The Government has also attempted to infuse accountability into its timber and maritime trade by commissioning the auditing firm Deloitte & Touche to set up a management system for those sectors. This is in response to allegations of the misuse of funds from those sectors, and also in response to the demands contained in resolution 1408 (2002), paragraph 10, which calls upon the Government of Liberia to take urgent steps, including through the establishment of transparent and internationally verifiable audit regimes, to ensure that revenue derived by the Government of Liberia from the Liberia Shipping Registry and Liberian timber industry is used for legitimate social, humanitarian and development purposes, and is not used in violation of resolution 1408 (2002). The Government was to report back to the Committee established pursuant to resolution 1343 (2001) on the steps taken and the results of such audits no later than three months after the adoption of resolution 1408 (2002). However, the arrangement recently suffered a setback when the auditing firm, citing unspecified political pressure overseas, backed out of the contract to provide the required audit services. In the meantime, VISCON, an affiliate company of Deloitte & Touche, has been mandated by the Liberian authorities to proceed with the implementation of the second phase of the project as a temporary measure pending the selection of a new auditing firm.

IV. Preparations, conditions and readiness for free and fair elections

10. The Government of Liberia has asserted that, regardless of the prevailing political and security environment in the country, it is determined to go ahead with preparations for, and the holding of, legislative and presidential elections scheduled

for October 2003. The Government has also promised to create a level playing field for all candidates and other stakeholders and to guarantee enabling conditions for credible and democratic polls.

11. It is widely felt, nevertheless, that a number of obstacles will have to be overcome if free and fair elections are to be held on time, including an immediate cessation of hostilities and the conclusion of a peace agreement with LURD, the reconstitution of the Elections Commission and the deployment of an international stabilization force before, during and after the electoral period to ensure public safety and security. It is also argued that the 10-year residency clause contained in article 52 of the Constitution constitutes a major impediment to holding a fair presidential election, since it would, in the view of some opposition groups, lead to the disqualification of several opposition candidates who had to flee Liberia to seek security in foreign countries. President Taylor has repeatedly warned Liberians residing abroad, especially those holding a green card for permanent residency in the United States of America, that they would not be allowed to contest the presidential election. Some opposition parties, as well as the electoral alliance composed of a number of opposition political parties, have expressed support for the Government's avowed determination to apply the residency clause to the letter.

12. On 2 January 2003, the Elections Commission released its electoral calendar, which provides for the electoral campaign to commence on 20 June and run through 13 October, with voting to take place on 14 October. The Commission is, however, to indicate whether or how registration, campaigning and voting are to take place in those areas paralysed by the war, or how the representation of the newly created counties is to be effected in the absence of a national census. The question of the Commission's own composition remains unresolved, as many opposition leaders claim that the present membership is dominated by officials loyal to the ruling National Patriotic Party.

13. Despite these shortcomings, former Senate President Charles Walker Brumskine of the Liberian Unification Party, Marcus Dahn of the United People's Party and Ellen Johnson-Sirleaf of the Unity Party (UP) recently returned to Liberia to prepare for the presidential contest.

V. Human rights situation

14. Concerns over Liberia's human rights situation continue to relate principally to the activities of the Anti-Terrorist Unit and the National Police, who are accused time and again of harassing the civilian population in the pursuit of alleged accomplices of LURD rebels. Consequently, arbitrary arrests and detentions have occurred, although those detained are usually released because the charges levelled against them are unsubstantiated, and also as a result of pressure from human rights and other civil society groups. Currently, two prominent human rights activists remain in jail, charged with treason. Last December, however, Hassan Bility, a journalist arrested in June 2002 for allegedly conspiring to assassinate President Charles Taylor, was released and exiled to the United States of America. Furthermore, two senior officials of the Inter-Religious Council of Liberia, the civil society organization that has actively sought to broker peace between the Government and LURD, were recently arrested and charged with treason. Although

they were subsequently released, the incident heightened anxiety throughout the country.

15. The independent expert appointed by the United Nations Human Rights Commission under its confidential 1503 procedure visited Liberia from 16 to 21 December 2002. She expressed concern over human rights abuses on the part of security agencies in the context of what she saw as a pervasive culture of impunity. She also criticized the use of child soldiers by both sides in the Liberian conflict and stressed the need to strengthen the dissemination of human rights education among both the civilian population and the security agencies.

VI. Humanitarian situation

16. Liberia's internal conflict has created a massive displacement of civilians, with an estimated 180,000 internally displaced persons currently encamped and tens of thousands of others squatting in host communities. The ongoing civil conflict in nearby Côte d'Ivoire has generated additional humanitarian strains on Liberia, as thousands of Liberian refugees living in Côte d'Ivoire have been forced back to Liberia, along with thousands of Ivorians fleeing the fighting in their country. In addition, Liberia continues to host some 17,000 Sierra Leonean refugees, living in camps around Monrovia.

17. The first reaction of the Liberian Government to the huge influx of returnees and refugees from Côte d'Ivoire was to close its common border with Côte d'Ivoire, reportedly to prevent Liberian rebels from crossing into Côte d'Ivoire to support the Ivorian insurgents who had captured the western part of their country. The Government's action created difficulties for the Office of the United Nations High Commissioner for Refugees in assisting the refugees and returnees crossing the border in search of relative safety in Liberia. By December 2002, after the Government had reopened the border for humanitarian purposes, it was estimated that some 69,000 people, most of them Liberian returnees, had crossed into Liberia.

18. Only about half of Liberia's minimum humanitarian needs have been met, due especially to an inadequate response to the numerous appeals for assistance, as well as to the lingering problem of access for humanitarian workers to internally displaced persons who have been cut off by the fighting in various parts of the country.

VII. Observations

19. With elections approaching, Liberia finds itself at a critical crossroads. It could either turn a new page towards sustainable peace and progress under enhanced democratic governance or continue to fester in conflict and poverty, with deleterious effects for its people and the subregion.

20. The first step is to end the fighting. Dialogue remains the only means to create an enabling environment for peaceful elections and a brighter post-electoral future for the country, whose people have suffered far too long. In this regard, I commend the ongoing local and regional initiatives that have made it possible for the Government and LURD to start dialogue.

21. The still unresolved crisis in neighbouring Côte d'Ivoire has taken centre stage, fully preoccupying the regional organization, ECOWAS, and the international community. The subregional dimensions of the Liberian conflict have now clearly come to the fore with reports of the involvement of Liberian armed groups on both sides of the fighting in the Côte d'Ivoire conflict. The movement of Liberian refugees and incursions by armed groups into Sierra Leone have also been recorded recently, rendering that country vulnerable to destabilization. The presence of the United Nations Mission in Sierra Leone in Sierra Leone represents the major guarantee of the fragile peace and stability that now exists in the country. The conflict in Côte d'Ivoire, coupled with the fighting in Liberia, has generated hundreds of thousands of refugees and displaced persons who now seek refuge in all of the countries of the West African region The extent of the military involvement of countries neighbouring Liberia and Côte d'Ivoire in the fighting in both countries is still not clear.

22. The conflict in Liberia is one that neither the Government nor the LURD rebel group is likely to win. However, it remains a conflict in which the LURD rebel group is determined to seize power by unconstitutional means, contrary to the decisions of the African Union, ECOWAS and the international community, not to recognize or encourage the seizure of power by undemocratic means. It is also clear that the rebel group enjoys some external military support. The international community should discourage such support, whose only achievement, so far, has been the massive displacement of innocent civilians, including women, children and the elderly, the deaths of thousands of persons and the wanton destruction of infrastructure and personal property. If decisive action is not taken to put an end to this tragedy, a generalized humanitarian and economic crisis could engulf the entire West African region.

23. I wish to draw the attention of the members of the Council to two letters dated 18 February 2003, with attachments, from President Charles Taylor addressed to the President of the Security Council. The first letter alleges that Guinea has provided military and other support to LURD. The second refers to the sanctions regime imposed upon Liberia over the past 23 months under Security Council resolutions 1343 (2001) and 1408 (2002).

24. The International Contact Group on Liberia, which is scheduled to meet at United Nations Headquarters on 28 February 2003, provides the best forum for the international community to constructively engage Liberia and to find, at the earliest possible moment, a comprehensive solution to the country's crisis, in addition to addressing the strained relations among the countries of the Mano River Union. The Contact Group should also be capable of assisting Liberia to create the proper conditions for the conduct of free and fair elections, at the appropriate moment.

25. Council members are urged to support and assist the Contact Group in its efforts to restore peace to Liberia. Council members with any influence on Liberia and its immediate neighbours are also urged to prevail on the three countries of the Mano River Union to seek a peaceful resolution of the crisis in that country through dialogue.

26. Within the limitations imposed upon it by its current mandate, and given the prevailing situation, the United Nations Peace-building Support Office in Liberia (UNOL) will continue to support the Contact Group and other actors in the search for peace. In this connection, I am pleased to report that progress has been made in

the dialogue between the United Nations and the Government of Liberia on a revised mandate for UNOL.

27. Finally, in its bid to remain engaged with Liberia and its people, and given its avowed conviction that peace in that country would put an end to the suffering of the Liberian people and lead to a basis for lasting peace in the region, the Security Council may decide to go ahead with its planned mission to Liberia and its neighbours in the West African region, including to Côte d'Ivoire, as soon as possible. This would enable the Council to assess the situation at first hand in order to determine how best to collaborate with ECOWAS and the International Contact Group on Liberia in providing the needed assistance for the resolution of the various crises that now threaten the entire West African region.